

Appeal Summaries for Cases Determined 01/10/2017 to 31/12/2017

Application No: 16/02230/FUL
Appeal by: Mr Darren Leeper
Proposal: Erection of 4no. two-storey houses
Site: Site To Side Of 2 Holyrood Drive Fronting Onton Manor
Lanark
Decision Level: DEL
Outcome: ALLOW

The application is for the erection of two pairs of semi-detached houses on an undeveloped residential plot with consent for two single houses. The appeal scheme was refused due to impact on townscape and neighbour amenity. The inspector disagreed. He found that the proposal was relatively modest in scale and would assimilate comfortably with the modern properties nearby in terms of layout, design and appearance. It would appear as an attractive extension of the modern development nearby. Further, that the proposal would not have an unacceptably harmful effect on the living conditions of neighbours and that, therefore, the proposal accords with the Framework which requires a good standard of amenity for existing occupants.

Application No: 16/02269/FULM
Appeal by: Mr Craig Smith
Proposal: Erection of 11no. dwellings with associated access road and parking
Site: Site Lying To The Rear Of 1 To 3 Beckfield Lane York
Decision Level: COMM
Outcome: ALLOW

The appeal was against the refusal of the introduction of a row of terrace properties where semi detached dwellings had previously been approved. The Inspector noted that the elongated roof profile of the proposed terrace would be evident when viewed from various points along Runswick Avenue. There are though buildings in the vicinity that would provide some context for the relatively short terrace of houses proposed. The terraced row would not be significantly greater in length than that of the two semi-detached bungalows, 9 and 11 Runswick Avenue, which are situated in a much more prominent location, opposite the entrance to the site. The substantial gable end of No 18 Runswick Avenue, a bungalow with two large dormer windows, would dominate views of the site from the direction of Beckfield Lane. The roof line would otherwise be generally seen only through the gaps between bungalows further along Runswick Avenue. There is variation of roof profile within the development introduced by the bungalows and the pair of semi-detached houses situated at either end of the terraced row. He noted that although a row of houses does not conform to the general pattern of development found in the area, which is predominantly of detached and semi-detached dwellings, the terrace is relatively short and set amongst dwellings of mixed character. Consequently he considered that only limited harm would be caused and the development would generally be consistent with these policies and with the Framework. With regard to the financial contributions requested he held that the contributions are necessary, directly related, and fairly and reasonably related in scale and kind to the proposed development. This was given significant weight in reaching the decision.

Application No: 16/02735/FUL
Appeal by: Mr And Mrs Boyland
Proposal: Two storey rear extension and dormer to rear
Site: 110 Holgate Road, York YO24 4BB
Decision Level: DEL
Outcome: DISMIS

The application site is no. 110 Holgate Road, York, a grade II listed building dating from the mid nineteenth century located in St. Paul's Square/Holgate Road Conservation Area. The proposals related to a two storey rear extension and dormer to the rear roof plane of the mid terrace dwelling house. The application was refused consent as it was considered that the design, form and mass of the two storey rear extension, that would be open to public view within the conservation area, would result in less than substantial harm to the significance of the designated heritage asset. Also, the design of the rear extension would appear at odds with the architectural character of the rear elevations of the adjoining listed buildings to the west and would lead to less than substantial harm to the setting of the designated heritage assets. No public benefits were identified that would outweigh this harm. The Inspector considered that the two storey rear extension would obscure a significant proportion of the original rear elevation and introduce an incongruent, single dormer onto the otherwise intact roof slope of the listed building. The design of the extension was considered to be poorly conceived and would lead to a tense juxtaposition of opposing architectural forms given the different roof pitches and heights of the proposed extension. The Inspector found that the proposal would be detrimental to the layout and simple architectural form of the rear elevation of the listed building and that the resultant loss and further erosion of its traditional architecture and form, as a residential building, would also be detrimental to the character and appearance of the conservation area, as the majority of the changes would be visible from Watson Terrace. The Inspector concluded that the proposals would fail to preserve the special historic interest of the listed building and the character and appearance of the conservation area. The appeal was dismissed.

Application No: 16/02736/LBC
Appeal by: Mr And Mrs Boyland
Proposal: Internal and external alterations including two storey rear extension and dormer to rear following demolition of existing single storey rear extension and associated internal alterations including alterations to internal layout.
Site: 110 Holgate Road, York YO24 4BB
Decision Level: DEL
Outcome: DISMIS

The application site is no. 110 Holgate Road, York, a grade II listed building dating from the mid nineteenth century located in St. Paul's Square/Holgate Road Conservation Area. The proposals related to internal and external alterations, including a two storey rear extension, dormer to the rear roof plane and associated internal works including alterations to the internal layout of the mid terrace dwelling house. The application was refused consent as it was considered that the proposed internal alterations to the first and second floors together with the design of the rear extension would lead to less than substantial harm to the significance of the designated heritage asset, its setting and the setting of listed buildings adjacent. No public benefits were identified that would outweigh this harm. The Inspector considered that the internal alterations to the first and second floors of the listed building would lead to a significant erosion of the original layout and proportions of the rooms as well as loss of original fabric. The two storey rear extension would obscure a significant proportion of the original rear elevation and introduce an incongruent, single dormer onto the otherwise intact roof slope of the listed building. The design of the extension was considered to be poorly conceived and would lead to a tense juxtaposition of opposing architectural forms given the different roof pitches and heights of the proposed extension. The rear extension would be detrimental to the layout and simple architectural form of the rear elevation of the listed building. The parapet wall to the rear of the single storey element would partially obscure views of the elongated staircase window that is considered an important design feature of evidential value. The Inspector concluded that the proposals would fail to preserve the special historic interest of the listed building and the character and appearance of the conservation area. The appeal was dismissed.

Application No: 17/00004/FUL
Appeal by: Mr And Mrs Metcalfe
Proposal: First floor side extension and conversion of garage into habitable room
Site: Wheatlands House, Boroughbridge Road, York YO26 6QD
Decision Level: DEL
Outcome: DISMIS

The proposal sought permission for the erection of a large first floor extension over an existing flat roof element of a dwelling in the greenbelt. The property had been previously extended and the application was refused on inappropriate development within the green belt and the unacceptable design of the proposed extension. The Inspector stated that as the DCLP predates the Framework which refers to size and not footprint they were required to assess the overall size increase in terms of volume and external dimensions in addition to considering footprint. They concluded that the proposal would almost double the width of the first floor of the dwelling and it would extend beyond the main rear elevation of the property resulting in significant additional mass and bulk. They concluded that it was a disproportionate addition and would result in a loss of openness and was therefore inappropriate development. In terms of the design the inspector noted that it would lack architectural coherence and be visually awkward resulting in an incongruous addition which would be at odds with the character and appearance of the host property and would therefore harm the character and appearance of the area and the host property.

Application No: 17/00445/LBC
Appeal by: Debbie Ambler
Proposal: Display of non illuminated sign on wall of gentlemen's toilet block at the end of Platform 2
Site: Railway Station, Station Road, York
Decision Level: DEL
Outcome: DISMIS

The application related to the attachment of a large 1.8m by 6.0m sign on the Gentlemans toilet block promoting the appellants forthcoming Azuma trains with a colourful and bold image and text on a light background. As the Railway Station is a Grade II* listed building, it was refused consent because the advert was visually incongruous with the historic character of the station interior, caused harm to the setting of the Tea Room building and was harmful in views of the train shed from many public viewpoints. No public benefits were identified that could outweigh the significant harm to the listed building. Considering the Appeal, the Inspector referenced the York Station Conservation Development Strategy (2013) as well as the planning policy context. He noted the high national significance of the Station recognised by its Grade II* status and of its historic, aesthetic and communal value. He found that whilst the sign was placed on a part of the station which was not of value, the modern toilet block generally receded into the background. However the sign attached to it caused harm as a conspicuous, discordant and distracting element in views of the trainshed and environs of the Tea Room. The works did not preserve the listed building, nor features of special architectural or historic interest it possesses. Whilst this was defined as being less than substantial harm in the context of the whole station, the public benefits put forward by the applicant did not provide clear and convincing justification for the scheme to outweigh such harm and the advert was thus contrary to the Act, the NPPF and so far as it is material, the development plan.

Application No: 17/00501/FUL
Appeal by: Mr And Mrs D Pinkney
Proposal: Erection of 1no. dwelling with associated landscaping and access following the demolition of existing barn
Site: Dutton Farm, Boroughbridge Road, YO26 8JU
Decision Level: DEL
Outcome: ALLOW

The site is within the greenbelt. Planning permission had previously been granted for the conversion of a barn to a dwelling. A subsequent application proposed constructing a dwelling of a similar size to the barn but further away from the original farmstead, together with demolishing the existing barn (which has planning permission for conversion). Officers considered that the proposed development did not fall within any of the criteria in the NPPF for acceptable development in the Green belt amend that siting the dwelling further away from the original farmstead would have a greater impact on the openness of the greenbelt. As such the proposed development was considered to be inappropriate development in the Greenbelt. The Planning Inspector considered that the proposed dwelling did not lead to a greater impact on the openness of the Greenbelt than the existing planning permission despite the greater separation. The Inspector did not considered that dwelling would be inappropriate development and the development was acceptable. The appeal was allowed. In the text of the decision the Planning Inspector considered the appeal on the grounds that the existing barn would be demolished. However the Inspector has not added a condition for the timing and removal of the existing shed, and as a result appears to have potentially allowed two dwellings in the greenbelt rather than one.

Application No: 17/00876/FUL
Appeal by: Mrs Uzmah Zaman
Proposal: Installation of roller shutter door (retrospective)
Site: Broadway Post Office And Newsagents
 Broadway, Woking, Surrey, GU24 0JX
Decision Level: DEL
Outcome: DISMIS

The above dismissed appeal related to the refusal of a retrospective planning application for perforated external security shutters. They are located across the frontage of a post office/newsagents in a small commercial parade in suburban Fulford. The planning application was refused for the following reasons: it is considered that the external shutters and their housing detract from the appearance of the property and when secured create a poor quality environment that undermines the visual amenities of the area and potentially increases the fear of crime. In the absence of any specific information indicating the need for the particular installation and the impracticality of less oppressive options, the proposal conflicts with advice in paragraphs 56-58 of the National Planning Policy Framework and Policy GP17 (Security Shutters) of Development Control Local Plan 2005. The appeal statement failed to include any justification for the shutters. The Inspector in his decision stated that they gave the parade a run-down appearance. He noted that the appellant did not include any clear information to show why they were needed or why less intrusive security methods could not be used.

Application No: 17/01027/FUL
Appeal by: Mr & Mrs Hunt
Proposal: Two storey side and rear extensions and single storey rear extension
Site: 53 The Avenue, Laxby, Woking, Surrey, GU24 3EJ
Decision Level: DEL
Outcome: ALLOW

The application was for two storey side and rear extensions and a single storey rear extension on a residential property. The property was a traditional two storey semi-detached dwelling in a residential area. It had an existing single storey rear extension with conservatory beyond that. The application was refused as a result of the impact on the adjoining neighbours resulting from the scale and projection on the boundary of the two storey rear extension. The Inspector considered that outlook from the neighbouring property was not affected. It would be prominent from their garden but it was considered that the main outlook would be down the garden and the neighbouring patio extended beyond the extent of the proposed extension. There would be some overshadowing in the afternoon but given the size of the patio the impact on enjoyment of the garden would be limited.

Application No: 17/01087/FUL
Appeal by: Mr Daniel Brown
Proposal: Erection of boundary fence and trellis to side (part retrospective)(revised plans)
Site: 29 Runswick Avenue York YO26 5PP
Decision Level: DEL
Outcome: DISMIS

This application sought permission for the erection of timber boundary fencing approx. 1.8m high, to enclose the side garden area, adjacent to the highway. The application was retrospective. The host dwelling is a modest bungalow sited within a modern residential estate on a prominent corner location. The surrounding area, is characterised by open plan front and side gardens resulting in the structure appearing out of character and harming visual amenity, and the application was refused on these grounds. The inspector agreed with this view, stating that the spacious character of the area is further to the open plan nature of the gardens and that the enclosing of the host side garden area has resulted in a loss to the feeling of spaciousness around this junction. The inspector advised that even if a landscaping scheme were provided he was not persuaded that planting alone would satisfactorily resolve the adverse enclosing effect that the fence has on the streetscene.

Decision Level:	Outcome:
DEL = Delegated Decision	ALLOW = Appeal Allowed
COMM = Sub-Committee Decision	DISMIS = Appeal Dismissed
COMP = Main Committee Decision	PAD = Appeal part dismissed/part allowed